

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

TAMMY S. POWERS,

Plaintiff,

v.

SEAN LAYTON, et al.,

Defendants.

Case No. [21-cv-06382-CRB](#)

ORDER OF DISMISSAL

Plaintiff Tammy Powers sues three state officials for due process violations. See Compl. (dkt. 1). Magistrate Judge Tse reviewed the complaint under the in forma pauperis statute, 28 U.S.C. § 1915(e), concluded that the complaint was deficient, and gave Powers leave to amend the complaint by no later than September 18, 2022. Screening Order (dkt. 13). Judge Tse advised Powers that if she does not file an amended complaint by that date, “the undersigned will recommend that a district court judge dismiss this case.” Id. at 5.

On October 11, 2022, having received no amended complaint from Powers, Judge Tse recommended that a district judge dismiss the case without prejudice for failure to prosecute. See Report and Recommendation to Dismiss Plaintiff’s Case (dkt. 14). Pursuant to 28 U.S.C. § 636(b)(1)(C), Powers was given 14 days to object to Judge Tse’s order. Id. The case was then reassigned to the undersigned Judge. See dkt. 15.

Powers has since filed no objections to that order. Because the Court finds that Magistrate Judge Tse’s report and recommendation is well-reasoned, thorough, and correct, the Court adopts it in full. The Court hereby dismisses this case without prejudice for failure to prosecute under Federal Rule of Civil Procedure 41(b).

IT IS SO ORDERED.

Dated: October 27, 2022



CHARLES R. BREYER
United States District Judge

United States District Court
Northern District of California

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